

REMARKS

Claims 1-7 were pending at the time of the mailing of the outstanding Office Action. By this amendment, claim 1 has been amended. No claims have been added or cancelled.

In the Office Action of October 29, 2007, the Examiner rejected claims 1, 5 and 7 under 35 U.S.C. § 102(b), as anticipated by Nichols et al. (US Pat. 6,266,566) (hereinafter "Nichols"). Under 35 U.S.C. § 103(a), the Examiner rejected claims 2-4 and 6 as being obvious over Nichols.

To anticipate a claim, a reference must teach all elements of the claim (MPEP § 2131). To establish a prima facie case of obviousness, three requirements must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. There must also be a reasonable expectation of success and the prior art reference or references must teach or suggest all of the claim limitations. (MPEP § 2143.)

The Applicants maintain that Nichols does not teach or suggest an external programming device for an implant as claimed. Specifically, Nichols does not provide the use of two display modes as recited in claim 1. That is, Nichols does not provide a first display mode where current display values are represented at one horizontal display position and all preceding signal values are represented on the display, displaced horizontally towards the left or the right of the current display value, or a second display mode where current signal values are respectively represented at new display positions of the display adjoining preceding signal values while preceding signal values maintain their respective display positions.

Nichols also does not teach or suggest a device wherein the display mode may be switched from the first display mode to the second display mode and *vice versa*. The Examiner maintains that Nichols provides "a switching unit (226)." However, the structure referred to as reference number 226 by Nichols is a "processor" which "normalizes the waveform signal, such that the waveform signal is resized to a pre-determined nominal height on waveform display 228" (column 12, lines 1-17). Such a "processor" does not teach or suggest a switching unit for switching between two display modes as recited in claim 1.

Claim 1 has also been amended to recite additional distinctions over Nichols. In addition to the elements discussed above, claim 1 now also recites that the programming device contains a base device and a hand device, and the hand device can be physically separated from the base

device. The hand device includes the display. Support for this amendment may be found in the specification in paragraphs 00016-00018 and 00022-00025, as well as Figs. 1 and 2. The Applicants maintain that such a device is neither taught nor suggested by Nichols. Neither would one of ordinary skill in the art find a suggestion or motivation to modify Nichols to arrive at the invention as claimed.

Therefore, claim 1 patentably distinguishes over Nichols. Likewise, claims 2-7 which depend from and include all the limitations of claim 1, also patentably distinguish over Nichols. Therefore, the Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a).

The outstanding Office action was mailed on October 29, 2007. The Examiner set a shortened statutory period for reply of 3 months from the mailing date. Therefore, no petition for an extension of time is believed to be required with the filing of this response. Nevertheless, the Applicants hereby make a conditional petition for an extension of time for response in the event that such a petition is required. No fees are believed to be due with this response. However, in the event that a fee for the filing of his response is insufficient, the Commissioner is authorized to charge any fee deficiency or to credit any overpayment to Deposit Account 15-0450.

Respectfully submitted,

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